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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 LENIER AYERS,

11 Plaintiff,

12 v.

13 LESLIE SZIEBERT *et al.*,

14 Defendants.

Case No. C07-5520RJB

ORDER GRANTING
MOTION FOR EXTENSION OF
TIME TO RESPOND

15 This matter comes before the court on the Report and Recommendation issued by Magistrate
16 Judge Karen L. Strombom on April 15, 2008, recommending that the Plaintiff's Complaint be
17 dismissed without prejudice. Dkt. 21. The court has considered the relevant documents and the
18 remainder of the file herein.

19 In the Report and Recommendation, the Magistrate Judge recommended dismissal of
20 Plaintiff's Complaint because he failed to comply with the court's order directing the Plaintiff to file
21 an amended complaint and he failed to seek an extension of time. Dkt. 21.

22 On April 23, 2008, Plaintiff appealed another issue to the Ninth Circuit, U.S. Court of
23 Appeals. Dkt. 24. On September 24, 2008, Plaintiff's appeal was dismissed. Dkt. 33. After the
24 appeal was dismissed, the court renoted the pending April 15, 2008 Report and Recommendation to
25 November 21, 2008, in interest of fairness to the Plaintiff in order to afford him an opportunity to file
26 his objections to the Report and Recommendation. Dkt. 34.

27 Instead of filing objections to the Report and Recommendation, on November 18, 2008, the
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1 Plaintiff filed a document which apparently was intended to be a request for an extension of time to
2 file an amended complaint and to request the court to direct the Special Commitment Center to
3 provide copies of documents in excess of the 90 copies per month limit. Dkt. 35.

4 The requirements for filing a complaint are explained by Fed. R. Civ. P. 8(a), which states:

5 (a) Claim for Relief. A pleading that states a claim for relief must contain:

6 (1) a short and plain statement of the grounds for the court's jurisdiction, unless the court
already has jurisdiction and the claim needs no new jurisdictional support;

7 (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and

8 (3) a demand for the relief sought, which may include relief in the alternative or different
types of relief.

9 In the interest of fairness to the Plaintiff, he should be allowed one more chance to file an
10 amended complaint in accordance with Fed. R. Civ. P. 8(a). The requested copies of documents are
11 not required for filing of an amended complaint, and Plaintiff has not shown good cause for ordering
the Special Commitment Center to provide copies.

12 Therefore, it is hereby ordered as follows:

13 The Plaintiff's Motion for Extension of Time (Dkt. 35) is **GRANTED**, and Plaintiff may file
14 an amended complaint which is in conformance with Fed. R. Civ. P. 8(a) on or before **December 29,**
15 **2008**, or otherwise may respond to the Report and Recommendation. The Plaintiff is advised that if
16 a proper complaint is not filed on or before that date the court may dismiss without prejudice the
17 Plaintiff's Complaint for the reasons stated in the Report and Recommendation. Dkt. 21. Plaintiff's
18 motion requesting that the court order the Special Commitment Center to provide copies (Dkt. 35) is
19 denied. The Report and Recommendation (Dkt. 21) is renoted for December 29, 2008.

20 DATED this 26th day of November, 2008.

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22 /s/ Robert J. Bryan
23 ROBERT J. BRYAN
24 United States District Judge
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